

Attorney Docket No.: UT-0031
Inventors: Mayer-Proschel et al.
Serial No.: 09/813,429
Filing Date: March 21, 2001
Page 3

REMARKS

Claim 1 is pending in the instant application. The rejection of claim 1 under 35 U.S.C. § 112, first paragraph, for lack of enablement has been maintained. The Examiner has acknowledged the specification to be enabling for a method of isolating human neuroepithelial precursor cells from neural tissue (e.g. the neural tube) from human embryos after first culturing adherent cultures on fibronectin/laminin and then after using structurally known and definable antibodies to A2B5, NG2 and eNCAM. However, the Examiner suggests that the specification does not reasonably provide enablement for a method using generic "human fetal cells". Thus, in an earnest effort to advance the prosecution of this case and in accordance with the Examiner's suggestion, Applicants have amended claim 1 to be drawn to "a method for isolating human neuroepithelial precursor cells from human fetal neural tissue . . .". The Examiner acknowledges that amendment obviates the rejection under 35 U.S.C. § 112, first paragraph, and places the case in condition for allowance. Thus reconsideration and withdrawal of this rejection under 35 U.S.C. § 112, first paragraph, is respectfully request. Further, it is respectfully requested that the requirement for a new Declaration

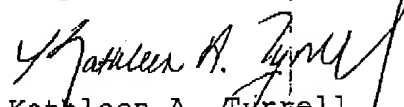
Attorney Docket No.: UT-0031
Inventors: Mayer-Proschel et al.
Serial No.: 09/813,429
Filing Date: March 21, 2001
Page 4

for inventor, Patrick Tresco, be held in abeyance at this time. Applicants have forwarded a new Declaration in compliance with 37 C.F.R. 1.67(a) for signature and dating to inventor Tresco and currently awaiting its return. Upon receipt, Applicants will forward the Declaration to the Examiner.

Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


Kathleen A. Tyrrell
Reg. No. 38,350

Date: August 16, 2004

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515